

# Michigan State Board of Education

## Model Code of Student Conduct

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**Michigan Department of Education**

# Purpose

- Present a revised Model Code of Student Conduct for SBE approval
- To ensure school safety and foster healthy learning communities, while complying with legislative changes

# Rationale for a Revised Model Code of Student Conduct

- The current Model Code of Student Conduct was approved August 12, 2014.
- The current model code contains outdated zero tolerance policy language.
- The proposed revised code aligns with
  - PA 360-366 of 2016, which went into effect August 2017
  - PA 144 of 2018, which went into effect August 2018

# 2014 Code of Student Conduct

- Currently encourages schools to adopt research-and/or evidence-based educational and behavioral strategies and practices to create positive learning environments to allow for academic success.
- Students are called upon to honor their responsibility to their communities, especially when they cause harm to others.

# Noteworthy Changes

## Addition of MCL 380.1310c

- Consider using restorative practices as an alternative or in addition to suspension or expulsion
- Restorative practices should be the first consideration to remediate offenses such as:
  - interpersonal conflicts
  - bullying and cyberbullying
  - verbal and physical conflicts
  - damage to property and theft
  - class disruption

# Noteworthy Changes

## Addition of MCL 380.1310d

- Before suspending or expelling a pupil under certain sections, the following shall be considered:
  - Pupil's age
  - Pupil's disciplinary history
  - Whether the pupil is a student with a disability
  - Seriousness of the violation or behavior
  - If the safety of others was threatened
  - Whether restorative practices will be used to address the violation or behavior
  - Whether a lesser intervention would properly address the violation or behavior

# Noteworthy Changes

## MCL 380.1310d continued

- 10+ day suspension or expulsion:
  - rebuttable presumption that a suspension or expulsion is not justified unless one can demonstrate factors were considered
- Less than 10 day suspension:
  - no rebuttable presumption
  - factors must still be considered
- Note: This section does not apply to a pupil being expelled for possessing a firearm in a weapon-free school zone.

# Noteworthy Changes

## MCL 750.520o (Michigan Penal Code)

- A juvenile who is adjudicated for criminal sexual conduct in the first degree and is a student at a school in this state is prohibited from doing either of the following:
  - Attending the same school building that is attended by the victim of the violation
  - Utilizing a school bus for transportation to and from any school if the individual will have contact with the victim during use of the school bus



# Public Comment

## June 15 – July 14, 2017

- Respondents (17 Total):
  - Teachers – 5
  - Administrators – 3
  - Board Members – 1
  - Community Member – 3
  - Parent/Guardian – 1
  - Consultant – 1
  - Professional Organization – 2
  - Law Firm – 1

# Public Comment

- Comments:
  - No negative comments on the document as a whole, specific critiques were as follows:
    - Would like more specifics in dress code, as individual is unhappy with how students are allowed to dress (needs to be addressed in local policy/guidelines)
    - Would like more detail in the drug section (again, needs to be addressed in local policy/guidelines)
    - Zero tolerance laws should stay in effect for middle and high schools
    - Needs to be an increase in parent accountability
  - Majority of suggested changes (that were incorporated into the document) came from Thrun Law Firm, to ensure language was clear and consistent with legislation and/or legal language.

# Next Steps

- Ensure alignment with all recent legislation
- Seek public comment on the Revised Model Code of Student Conduct
- Request adoption of the revised code at the June SBE meeting